UNITED STATES PATENT AND TRADEMARK OFFICE

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09/879,353	06/12/2001	Yasuhiro Toguri	450100-03281	3903

			EXAMINER
20999	7590	10/05/2005	MANNING, JOHN

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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/879,353	TOGURI, YASUHIRO
	Examiner	Art Unit	
	John Manning	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to the amended claims have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2, 5-8, 10, 12, 14 and 16-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Itakura (U.S. Patent No. 6,351,745) in view of Baji et al., (U.S.

Patent No. 5,027,400).

Itakura et al. teach a system used in a communication network that allows clients

to access information Internet over a broadband connection as well as receive

messages such as advertisements. User preferences are stored in a user database and

advertisements are sent to users based on their preferences. A billing system is also

taught to charge the advertiser based on the advertisements displayed to the user.

With respect to claims 1, 6, 16, and 20, Itakura teaches the claimed information

processing apparatus. The claimed "first registration means for registering general

additional information regarding said contents data" is met by Itakura's means to store

data and identifying information. In column 8, lines 1-11 Itakura teaches storing data

which represents the location of the data requested. This information may also include,

for example, a home page address IURQ of a store on the world wide web. Because

applicant has claimed a plurality of types of "general additional information" in the

alternative, the burden on the examiner is only to satisfy a single element. Therefore,

the claimed "contents ID" is met by storing in association an ID, such as the above

noted URL. This is explicitly taught in column 8, lines 7-11. In this manner, Itakura

meets the claimed first registration of "general information" regarding said contents

data. The claimed "second registration of additional individual information..." is met by

Itakura in the registering of client preferences in item S416 of figure 17. User

information such as sex, marriage status, occupation, etc. are stored in the message

user database 34 of figure 6. Itakura also teaches that a transmittal condition database

36 can record additional individual information regarding goods that the user has

already shown interest in, claimed "on the basis of at least said contents data," to

ensure that suitable advertisements are sent according to user preferences in column

10, lines 48-58. As taught in column 10, lines 21-30, this database stores message

URL's that identify each message and the corresponding transmission conditions. By

using the user information to find proper messages, the message URL's are also

"registered" for individual users based on preferences as "additional individual

information," as claimed. The claimed storage means for storing said first and second

registration information are thus met by the message user database 34 and the

transmittal condition database 36. The stored general additional information and

additional individual information is extracted using a characteristics reader used to

retrieve characteristics from the databases as taught in column 27, lines 48-49. If a user

is inactive, messages including general and individual additional information are not

sent. Rather, only when "a delivery request for contents data" is received will the

message distribution apparatus search and extract required information (col. 15: 13-42).

The individual additional information "is extracted on the basis of user information

comprising at least one of user status and user usage classification" by extracting

based on user status, active or idle, and user characteristics, in order to accurately

target active users. Furthermore, the claimed generation means for generating

individual data to be transmitted based on the general and individual additional

information is met by the message distribution apparatus 39 of figure 1. Itakura teaches

receiving a request for contents, followed by the reading of user preferences from said

message user database 34 and transmittal condition database 36. Based on user

preferences, messages as well as a URL relating to additional information are

generated as taught in column 10, lines 31-58. The transmission means for transmitting

said contents data, general additional information, and additional individual information

is met by Itakura in column 11, lines 60-67 and column 12, lines 1-8. Itakura teaches an

Internet connection with known communication method and message distribution

apparatus 39 for distributing said individual data as messages to a terminal 10 of figure

1. With respect to displaying said contents data, general additional information, and

individual additional information simultaneously, examiner refers applicant to Figures 29

and 33. As seen in Figure 29 and 33 a contents data region 60 is shown, a "Location

region" is shown for displaying the claimed "general additional information regarding

said contents data," a message viewer window 62 exists to display claimed "individual

additional information" which is retrieved as noted above using user database 34 and

transmittal condition database. Examiner notes with reference to Figure 12, item 64 of

applicant that the "additional information" region includes an "id link to other data," as

taught by Itakura with Home Page button 64 that is an ID link to other data regarding the

individual data.   The claimed limitation of "whereby contents data is delivered together

with extracted individual additional information and extracted individual additional

information in response to a request for usage generated by said other apparatus said

extracted individual additional information and extracted individual additional information

being generated by selecting from a database of additional information according to

said request" is met by Figure 4 and that discussed above.   "The message viewer

window 62 has a home page button 64, a material request button 66, a halt/resume

button 68, and a quit button 69. When the home page button 64 is selected, the browser

window 60 displays the home page corresponding to the message in the message

viewer window 62. When the material request button 66 is selected, the message

manager 24 transfers informational materials concerning the goods advertised in the

message displayed in the message viewer window 62. The message viewer window 62

displays these informational materials. Within the display of the message and the

informational materials there is a button for ordering the displayed goods" (Col 9, Lines

13-24). Itakura does not teach the first registration means registering information by

splitting the contents of data per segment, scene, or object. Furthermore, Itakura

teaches the second registration means registering individual additional information with

URL addresses but not split per segment, scene, or object as claimed. Baji teaches a

cable distribution network used to transmit regular programming as well as

commercials, claimed additional information, in a television broadcast. Baji explicitly

teaches the transferring of desired program and advertisement to the main controller

106 of the head end in column 4, lines 13-17. The main control program then controls

the integration of the advertisements with the regular programming, splitting the regular

programming up as in claim 3 of applicant and inserting commercial or advertisement

scenes as in claim 4 of applicant. The table and method for controlling this process is

shown in figure 10 and taught in column 7, lines 46-65. Examiner notes that it is well

known in the industry to split up television programs, whether viewed over conventional

television or via Internet broadcast, up into scenes with commercials show in between.

Furthermore, Itakura teaches in column 9, lines 10- 13 that the message viewer may

display a new message every predetermined time interval, and the simultaneous display

of this message noted in response to claim 1. Baji similarly teaches splitting a television

program with registered commercials at predetermined time intervals as seen in Figures

5A-5P, which splits the program per segment or scene as claimed. It clearly would have

been obvious for one skilled in the art at the time to modify the simultaneous displaying

of contents data and additional advertising information taught by Itakura by the data

stream splitting techniques of Baji in order to integrate advertisements with the regularly

viewed content.

With respect to claim 2, the claimed means for recording charging information on

the basis of individual data generated is met by Itakura in the message access log 37 as

seen in figure 12. Itakura teaches recording information regarding the access of said

individual information data in column 1, lines 9-21.

With respect to claim 5, the claimed updating charging information by updating

"charges to at least an end user for use of said contents data and/or individual metadata

on the basis of said generated metadata" is taught in col. 10:59+ through col. 11: 8 by

relieving a charge from a user based on a connection log. The connection log indicates

what messages are recognized by a user and bills the message provider in order to

relieve the user of their connection fee.

With respect to claim 7, the claimed recording medium wherein a program for

controlling an information processing apparatus to deliver data over a network is taught

by Itakura in the message manager 24. Itakura teaches message viewer software 76 of

figure 3 to be installed on the terminal device in a recording medium in column 8, lines

43-67 and column 9, lines 1-3. Itakura further teaches that the recording medium can be

a variety of devices such as RAM, DVD's, floppy disks, CD-ROM, tap media,

semiconductor memory etc in column 25, lines 5-24. The software in the terminal

device is used to communicate with message manager 24 of Figure 1 over the Internet.

The message manager is taught to send and receive messages with the terminal as

well as access databases. In this manner the message manager meets the claimed

program because it controls the processing of all limitations set forth and addressed in

claim 6. With respect to "said contents data, general additional information, and

individual additional information are simultaneously displayed on a display screen at

said other apparatus" these features are taught as seen in Figures 29 and 34 and noted

in response to claim 1. The claimed limitation of "whereby contents data is delivered together with extracted individual additional information and extracted individual additional information in response to a request for usage generated by said other apparatus said extracted individual additional information and extracted individual additional information being generated by selecting from a database of additional information according to said request" is met by Figure 4 and that discussed above. "The message viewer window 62 has a home page button 64, a material request button 66, a halt/resume button 68, and a quit button 69. When the home page button 64 is selected, the browser window 60 displays the home page corresponding to the message in the message viewer window 62. When the material request button 66 is selected, the message manager 24 transfers informational materials concerning the goods advertised in the message displayed in the message viewer window 62. The message viewer window 62 displays these informational materials. Within the display of the message and the informational materials there is a button for ordering the displayed goods" (Col 9, Lines 13-24).

With respect to claim 8, Itakura teaches the first apparatus as addressed in response to claim 1 above. Although Itakura teaches receiving and processing a request for data to be transmitted, Itakura does not teach a second apparatus having delivery request means so as to transfer said contents data to said first apparatus with means for integrating said contents data and said individual data supplied from the first apparatus. Baji teaches a main control unit 106 for controlling the access of contents data and additional individual data. Baji further teaches a second information apparatus

the terminal control unit 113 of figure 1 to be used in conjunction with a delivery request.

The commercials may be integrated into the regular contents data by storing

commercials in a buffer on the terminal control unit and then integrating them into the

regular content data in column 8, lines 30-48. In this manner, Baji teaches a delivery

request for contents data by the main control unit, claimed first apparatus, and output

means in the terminal unit, claimed second apparatus, for integrating the contents data

and individual data. It would have been obvious for one skilled in the art at the time to

modify the targeted advertisement apparatus of Itakura with the second apparatus of in

order to integrate advertisements with regularly viewed content for the user.

With respect to claims: 10, 12, and 14 all of the limitations that are reflected in

claim 1 as addressed above.

With respect to claim 17, Itakura teaches delivering messages and additional

information to users based on their viewing history, as well as charging message

providers in response to the delivery of the messages. As noted above, Itakura teaches

receiving a request for a message, followed by the reading of user preferences from

said message user database 34 and transmittal condition database 36. Based on user

preferences, characteristics including status, and usage history as seen in Figures 7, 8,

and 9, claimed user status and classification, the messages suitable for individual

viewers are generated. This general purpose additional information is displayed in the

message viewer window 62 and as well ms a URL link through home page button 64.

Although the specific term "metadata" is not used, the generation of individual metadata

from general additional information and extracted additional information is taught.

Examiner notes that applicant defines metadata as additional information that describes

audio and video data on page 1, lines 18-21. This information is taken as commonly

defined in the industry to include information such as name, size, data type, length,

location, ownership, associations, and a number of other factors that describe contents

data. The claimed limitation of "whereby contents data is delivered together with

extracted individual additional information and extracted individual additional information

in response to a request for usage generated by said other apparatus said extracted

individual additional information and extracted individual additional information being

generated by selecting from a database of additional information according to said

request" is met by Figure 4 and that discussed above. "The message viewer window

62 has a home page button 64, a material request button 66, a halt/resume button 68,

and a quit button 69. When the home page button 64 is selected, the browser window

60 displays the home page corresponding to the message in the message viewer

window 62. When the material request button 66 is selected, the message manager 24

transfers informational materials concerning the goods advertised in the message

displayed in the message viewer window 62. The message viewer window 62 displays

these informational materials. Within the display of the message and the informational

materials there is a button for ordering the displayed goods" (Col 9, Lines 13-24). As

seen in Figures 11 and 12, a record is formed with information describing the extracted

information including a note as to whether material requests are made. This information

is taught to be used to "update charging information on the basis of said generated

individual metadata" in column 10, lines 20-38. The claimed transmission of contents

data and individual metadata, information describing the audio video contents data, is met as noted above.

With respect to claim 18, the claimed general additional information comprising a "time or date of filming a video scene of contents data" is not taught by Itakura. Numerous various ways for describing data are known in the art. The Examiner takes Official Notice that it was well known in the art at the time of the invention to store time or date of filming a video scene. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Itakura by storing time or date of filming of a scene in order to provide users of the system with an indication of how recent the filming is.

With respect to claims 19 and 21-22, aforementioned combined teaching does not teach storing an explanation of a video scene or a part and name covered by additional information. Examiner takes Official Notice that it was well known in the art at the time of the invention to store an explanation of a video scene, part and name covered by additional information. It would have been obvious for one skilled in the art at the time of the invention to modify the combined teaching by storing an explanation of a video scene in order to provide users of the system with an indication the content of programming.

With respect to claims 23-24, aforementioned combined teaching does not teach general additional information comprising a segment number or object number. Examiner takes Official Notice that it was well known in the art at the time of the invention to utilize segment and object numbers. It would have been obvious for one

skilled in the art at the time of the invention to modify the combined teaching by using segment and object numbers in order to fully describe contents data and facilitate selection.

With respect to claim 25, aforementioned combined teaching does not teach general additional information comprising additional information classification. The Examiner takes Official Notice that it was well known in the art at the time of the invention to classify additional information. It would have been obvious for one skilled in the art at the time of the invention to modify the combined teaching by classifying additional information in order to fully describe contents data and facilitate selection for users.

4.   Claims 9, 11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al. (6,351,745) and Baji (5,027,400), and further in view of Kitsukawa et al. (6,282,713).

With respect to claims 9, 11, 13, and 15 neither Itakura nor Baji explicitly teach splitting registration per object appearing within said contents data Examiner notes that the use of "hot spots" is well known in the art, and that these systems would read on many of the limitations of claim 1. Hot spots are used to allow the viewer to obtain additional information regarding items in a display. A display is split per object based on items, claimed additional information, with additional individual information consisting of a URL link that provides additional information about the item appearing in within the display. To these means, Kitstzkawa et al. (6,282,713) teach an electronic advertising system utilizing hot spots to link users to additional information regarding displayed

products. As seen in Figure 5, items containing additional information are separated per

object and URL- information, claimed individual additional information, is registered for

each item. As seen in Figure 4, item 410, a user may select an item, claimed "request,"

and as taught in column 7, lines 34-40 the 111 advertisement or web link may be

displayed simultaneously with the regularly playing programming using well known

picture in picture techniques. It would have been obvious for one skilled in the art at the

time of the invention to further modify the techniques taught by Itakura and Baji by

splitting additional information per object as taught by Kitsukawa in order to provide

additional information relating to multiple items displayed in a program that the user may

have interest in.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Manning whose telephone number is 571-272-

7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JM
September 21, 2005

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